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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,801

Applicant(s)

CARINI, JOHN J.

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7-10, 15, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chien (US Pat. 6,082,867).

In reference to claims 1, 15, 17, Chien discloses the claimed supports which are positionable in a spaced-apart fashion across a path to be closed, and a lightable rope which is fastenable to the supports to close the path to vehicular traffic and which is energizable by a single electrical power, which is met by an electro-luminescent lighting elements 115 positioned for roadside installation by a jersey barrier 116, street barricade 117, guard rail installation 118, and traffic cone/barrier (stanchions) set up 119 (col. 11, lines 1-14 and Figure 6D).

In reference to claims 2, 3, 18, Chien discloses the claimed electrical power source comprising a generator, which is met by the electro-luminescent lighting elements including a power source which can include a DC power source and inverter, or an AC power source (electrical outlet), batteries, or a generator, or any other convenient source of electrical power (col. 7, lines 18-29)

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In reference to claim 5, Chien discloses the claimed supports comprising stanchions and bases which hold the stanchions, which is met by an electro-luminescent lighting elements 115 positioned for roadside installation by a traffic cone/barrier (supports/stanchions) set up 119 (the bottom of the cones being the bases) (col. 11, lines 1-14 and Figure 6D).

In reference to claim 7, Chien discloses the claimed stanchions further comprising clips, which is met by any fastening means can be used including clips (col. 11, lines 28-32).

In reference to claim 8, Chien discloses the claimed controller, which is met by control circuit 19 (col. 7, lines 6-17).

In reference to claims 9, 19, Chien discloses the claimed controller regulating a frequency of the illumination, which is met by the frequency control or adjustment circuit 28 (col. 8, lines 1-4).

In reference to claims 10, 20, Chien discloses the claimed controller regulating a duration of the illumination of the rope, which is met by the control circuit 19 providing patterns and partial length lighting effects (col. 7, lines 6-17).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6, 11, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien in view of York (US Pat. 4,090,472).

In reference to claims 4, 11, 22, although Chien does not disclose the claimed barricade system further comprising a reel on which the lightable rope can be retained, he does disclose that the electro-luminescent light elements can be mounted in a variety of different housing configurations including flexible containers or sleeves 120 (col. 11, lines 1-14, Fig. 6D). York discloses a fencing system comprising a trailer 10, a plurality of posts 52, a flexible hot line 54 and warning or guard line 56 which are pulled from the trailer's reel 118, all within the trailer (col. 5, lines 7-20, col. 9, lines 60-68, and Fig. 3). Since both Chien and York disclose systems used to block off a pathway by the use of a "flexible" cord, rope, or cable, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a reel, as disclosed by York, with the system of Chien, for mounting and storing the illuminated rope until it's needed.

In reference to claim 6, although Chien does not specifically disclose the claimed stanchions are removable from the bases, he does disclose an electro-luminescent lighting elements 115 positioned for roadside installation by a traffic cone/barrier (supports/stanchions) set up 119 (the bottom of the cones being the bases) (col. 11, lines 1-14 and Figure 6D). York discloses a fencing system including a plurality of posts 52 set up to hold a flexible hot line 54 and warning

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or guard line 56 (col. 5, lines 7-20). York also discloses subassemblies 38 with tubular sleeves 42 positioned to be inserted into an extending ground plate 40. Since Chien disclose the use of stanchions (cone/barricade) to support the electro-luminescent lighting elements, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the concept of providing a stanchion with a removable base, such as the support for the trailer used in York, with the system of Chien, to ensure that the stanchions may be adjusted in height and are stable when placed in the road.

5. Claims 12, 13, 21, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien.

In reference to claims 12, 13, 23, 24, although Chien does not specifically disclose the claimed path is an airport taxiway, he does disclose that the electro-luminescent lighting elements 115 are used for roadside installation by a jersey barrier 116, street barricade 117, guard rail installation 118, and traffic cone/barrier (stanchions) set up 119 (col. 11, lines 1-14 and Figure 6D). Any fastening means can be used including clips (col. 11, lines 28-32). Since Chien discloses that the lighting elements may be used for a roadside, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the path of an airport taxiway or any roadside, to ensure that traffic in any location will adhere to the illuminating device and allow traffic to be blocked.

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In reference to claim 21, although Chien does not specifically disclose the claimed method of de-energizing the lightable rope, removing the lightable rope from the supports, and removing the supports from the path, he does disclose an electro-luminescent lighting elements 115 are used for roadside installation by a jersey barrier 116, street barricade 117, guard rail installation 118, and traffic cone/barrier (stanchions) set up 119 (col. 11, lines 1-14 and Figure 6D). A DC power source and inverter, or an AC power source (electrical outlet), batteries, or a generator, or any other convenient source of electrical power (col. 7, lines 18-29). Since Chien discloses a barricade for a roadside, holding the lighting elements and a power source used to operate the lighting elements, it would have been obvious to one of ordinary skill in the art at the time of the invention to methodically cut the power off, remove the rope, as well as remove the barricade (supports), to allow traffic to pass after the barrier is no longer needed.

6. Claims 14, 16, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over York in view of Chien.

In reference to claims 14, 16, York discloses the claimed trailer, supports carried on the trailer and positioned in a spaced-apart fashion on a path to be closed, and a portable generator supported by the trailer, which is met by a fencing system comprising a trailer 10, a plurality of posts 52, a flexible hot line 54 and warning or guard line 56 which are pulled from the trailer's reel 118, all within the trailer (col. 5, lines 7-20, col. 9, lines 60-68, and Fig. 3). A side wall 18 of the trailer 10 includes a power source for providing power to the electrified fences (regulating

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the power) (col. 6, lines 48-62). Chien discloses an electro-luminescent lighting elements 115 are used for roadside installation by a jersey barrier 116, street barricade 117, guard rail installation 118, and traffic cone/barrier (stanchions) set up 119 (col. 11, lines 1-14 and Figure 6D). Since York discloses a trailer system including a means for blocking off a specific with an electric cabling device, it would have been obvious to one of ordinary skill in the art at the time of the invention, to incorporate an illuminated rope, as disclosed by Chien, with the system of York, to provide a visual indication to nearby persons of the blocked off area.

In reference to claims 25, 29, York does not specifically disclose the claimed method of transporting a barricade system including a trailer, supports which are carried on the trailer, a lightable rope, removing the supports from the trailer, positioning the supports across the path, unwinding the rope, fastening the rope, and lighting the rope with a generator, or transporting the trailer to a positioned located laterally adjacent the path. However, he does disclose a trailer 10, a plurality of posts 52, a flexible hot line 54 and warning or guard line 56 which are pulled from the trailer's reel 118, all within the trailer. The hot line and guard line are supported on the posts 52 through receiving aperture 68 and main flange 60 and cross flange 62 (col. 5, lines 7-36, col. 9, lines 60-68, and Fig. 3). A side wall 18 of the trailer 10 includes a power source for providing power to the electrified fences (regulating the power) (col. 6, lines 48-62). Chien discloses an electro-luminescent lighting elements 115 are used for roadside installation by a jersey barrier 116, street barricade 117, guard rail installation 118, and traffic cone/barrier (stanchions) set up 119 (col. 11, lines 1-14 and Figure 6D). Since York discloses a trailer system including a means for blocking off a specific with an electric cabling device, it would have been obvious to one of

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ordinary skill in the art at the time of the invention, to incorporate an illuminated rope, as disclosed by Chien, with the system of York, and to methodically place the system in the path to prevent traffic from entering the blocked off location.

In reference to claims 26-28, although York does not disclose the claimed supply of electrical power is from a generator, he does disclose of power from a battery to control the electrified fences (col. 6, lines 48-62). Chien discloses a DC power source and inverter, or an AC power source (electrical outlet), batteries, or a generator, or any other convenient source of electrical power (col. 7, lines 18-29). A control circuit 19 as well as frequency control or adjustment circuit 28 are part of the lighting elements (col. 8, lines 1-4). Since both York and Chien disclose the use of power to operate their barricade systems, it would have been obvious to one of ordinary skill in the art at the time of the invention, to incorporate the use of a generator with a frequency regulator, as disclosed by Chien, with the system of York, to provide continuous power to operate the illuminated rope and provide patterns and partial length lighting effects.

In reference to claim 30, although York does not disclose the claimed method of de-energizing the lightable rope, removing the lightable rope from the supports, removing the supports from the path, and stowing the supports and lightable rope on the trailer, he does disclose a fencing system comprising a trailer 10, a plurality of posts 52, a flexible hot line 54 and warning or guard line 56 which are pulled from the trailer's reel 118, all within the trailer (col. 5, lines 7-20, col. 9, lines 60-68, and Fig. 3). A side wall 18 of the trailer 10 includes a power source for providing power to the electrified fences (regulating the power) (col. 6, lines 48-62). Since York discloses a

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system for setting up a fence, it would have been obvious to one of ordinary skill in the art at the time of the invention to methodically cut the power off, remove the rope, as well as remove the barricade (supports), to allow traffic to pass after the barrier is no longer needed.


7. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Douglas (US Pat. 5,661,474), Arndt (US Pat. 5,688,041), Johnson (US Pat. 6,135,423), Andras (US Pat. 6,259,375 B1), and Knauer et al. (US Pat. 6,450,677 B1), which are references that disclose roadway barriers.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.

Davetta W. Goins
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D.W.G.
March 13, 2003